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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARTIN KERBER.

*Plaintiff,*

VS.

12 || DOUG GILLESPIE, *et al.*

### *Defendants.*

2:11-cv-01952-GMN-VCF

## ORDER

15 The Court dismissed the complaint without prejudice for failure to state a claim upon  
16 which relief may be granted, subject to leave to amend. Plaintiff was informed that a failure  
17 to timely mail an amended complaint to the Clerk for filing that corrected the deficiencies  
18 noted in the order would lead to entry of a final judgment of dismissal. Plaintiff has not filed  
19 an amended complaint within the time allowed, including as extended.

IT THEREFORE IS ORDERED that this action shall be DISMISSED without prejudice.

21 The Clerk of Court shall enter final judgment accordingly, dismissing this action without  
22 prejudice.

23 DATED this 19th day of February, 2013.

Gloria M. Navarro  
United States District Judge